

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESUS A. MORENO,

No. C 07-00356 CW (PR)

Petitioner.

ORDER GRANTING IN FORMA  
PAUPERIS STATUS AND DIRECTING  
RESPONDENT TO SHOW CAUSE WHY  
THE PETITION SHOULD NOT BE  
GRANTED

v.

IVAN CLAY, Acting Warden,

Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also seeks leave to proceed in forma pauperis. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. Petitioner's application to proceed in forma pauperis is GRANTED.

2. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

3. Respondent shall file with this Court and serve upon Petitioner, within sixty (60) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

1           4. If Petitioner wishes to respond to the Answer, he shall  
2 do so by filing a Traverse with the Court and serving it on  
3 Respondent within thirty (30) days of his receipt of the Answer.  
4 Should Petitioner fail to do so, the petition will be deemed  
5 submitted and ready for decision thirty (30) days after the date  
6 Petitioner is served with Respondent's Answer.

7           5. Respondent may file a motion to dismiss on procedural  
8 grounds in lieu of an Answer, as set forth in the Advisory  
9 Committee Notes to Rule 4 of the Rules Governing Section 2254  
10 Cases. If Respondent files such a motion, Petitioner shall file  
11 with the Court and serve on Respondent an opposition or statement  
12 of non-opposition to the motion within thirty (30) days of receipt  
13 of the motion, and Respondent shall file with the Court and serve  
14 on Petitioner a reply within fifteen (15) days of receipt of any  
15 opposition.

16           6. It is Petitioner's responsibility to prosecute this case.  
17 Petitioner must keep the Court and Respondent informed of any  
18 change of address and must comply with the Court's orders in a  
19 timely fashion. Petitioner must also serve on Respondent's counsel  
20 all communications with the Court by mailing a true copy of the  
21 document to Respondent's counsel.

22           7. Extensions of time are not favored, though reasonable  
23 extensions will be granted. Any motion for an extension of time  
24 must be filed no later than ten (10) days prior to the deadline  
25 sought to be extended.

26           IT IS SO ORDERED.

27           Dated: 5/23/07



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JESUS A MORENO,

Plaintiff,

v.

I D CLAY et al,

Defendant.

Case Number: CV07-00356 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 23, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jesus A. Moreno V-47127  
Sierra Conservation Center  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

Ivan Clay, Acting Warden  
Sierra Conservation Center  
5100 O'Byrnes Ferry Road  
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Jamestown, CA 95327

Attorney General  
State of California  
455 Golden Gate Avenue, #11000  
San Francisco, CA 94102

Dated: May 23, 2007

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California